

STATEMENT OF BASIS (AI No. 42394)

for draft Louisiana Pollutant Discharge Elimination System permit No. **LA0105147** to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Margie's Seafood
219 West 177th Street
Galliano, LA 70354

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Lisa Kemp

DATE PREPARED: June 1, 2007

1. PERMIT STATUS

A. Reason For Permit Action:

Permit reissuance of an expired Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term

B. LPDES permit - LPDES permit effective date: June 1, 1999
LPDES permit expiration date: May 30, 2004
EPA has not retained enforcement authority.

C. Date Application Received: March 15, 2007; additional information received via telephone on May 25, 2007; effluent data received on June 14, 2007; other additional information from a compliance inspection performed on December 14, 2006, the previous LPDES permit LA0105147, issued on June 1, 1999, the previous draft permit LA0105147 statement of basis, and the previous application received on March 17, 1997

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - oyster processing facility

This is an existing facility that shucks, washes, and packages oysters. According to the application, seafood is processed all year. According to information received via telephone, the facility processes oysters 5 days per week. The application states that the oyster shells are sold.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II *BPJ points to 0 per administrative decision on seafood*
3. Wastewater Type: II
4. SIC code: 2092

C. LOCATION - 20639 LA Highway 1, in Golden Meadow, Lafourche Parish
Latitude 29° 21' 59", Longitude 90° 15' 28"

Statement of Basis for
Margie's Seafood, Margie's Seafood
LA0105147, AI No. 42394
Page 2

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: oyster processing wastewater
Treatment: none
Location: at the drain pipe discharge (Latitude 29° 21' 59", Longitude 90° 15' 28")
Flow: 25 gpd
Discharge Route: to Bayou Lafourche

Outfall 002

Discharge Type: treated sanitary wastewater
Treatment: mechanical plant
Location: at the point of discharge from the sewage treatment plant
(Latitude 29° 21' 59", Longitude 90° 15' 28")
Flow: 500 gpd maximum
Discharge Route: to Bayou Lafourche

4. RECEIVING WATERS

STREAM - Bayou Lafourche

BASIN AND SEGMENT - Barataria Basin, Segment 020403

DESIGNATED USES -
a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
e. oyster propagation

5. TMDL STATUS

Subsegment 020403, Bayou Lafourche - Yankee Canal and Saltwater Barrier to Gulf of Mexico (Estuarine), is listed on LDEQ's Final 2004 303(d) List as impaired for total fecal coliform. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Barataria Basin, those suspected causes for impairment which are not directly attributed to the oyster processing facility point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated. Therefore, for the purposes of this permit, the total fecal coliform impairment will be addressed in a manner consistent with the Department's permitting guidance for implementing Louisiana's surface water quality standards as follows:

Total Fecal Coliform

A fecal coliform limit has been established in accordance with sanitary discharges.

Statement of Basis for
 Margie's Seafood, Margie's Seafood
 LA0105147, AI No. 42394
 Page 3

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale, Page 6

Changes from the previous permit:

- 1) Mass loadings have been revised for Outfall 001 due to new production information in the renewal application.
- 2) The Fecal Coliform limit for Outfall 002 has been changed from 400 col/100 ml Weekly Average to 43 col/100ml Weekly Average because Oyster Propagation is a designated use of the receiving stream.

7. COMPLIANCE HISTORY/COMMENTS

- A. WQMD – A file review disclosed that no OES enforcement actions have been issued to Margie's Seafood as of May 1, 2007. This facility was turned over to Enforcement due to areas of concern noted on the inspection performed on December 14, 2006. (See Inspections, below)
- B. DMR Review/Excursions – There are no DMRs on file for this facility.
- C. Inspections – A compliance inspection performed at this facility on December 14, 2006, revealed the following:
 - 1) 002 was not discharging at the time of inspection.
 - 2) 001 effluent was clear/no visible solids.
 - 3) Areas of concern:
 - a. No chlorine in STP. Plant could not be thoroughly checked because the lid is bolted on.
 - b. Facility has not sampled effluent and has not submitted Discharge Monitoring Reports.
 - 4) Facility is operating under an expired permit.

8. EXISTING EFFLUENT LIMITS

Outfall 001 – treated process wastewater

Pollutants	Monthly Average (lbs/day) Unless Stated	Daily Maximum (lbs/day) Unless Stated	Monitoring Frequency
Flow - MGD	Report	Report	1/month
BOD ₅	---	Report	1/month
TSS	1.9	2.8	1/month
Oil and Grease	0.09	0.1	1/month
pH Minimum/Maximum values (standard units)	6.0 Minimum	9.0 Maximum	1/month

Statement of Basis for

Margie's Seafood, Margie's Seafood

LA0105147, AI No. 42394

Page 4

Outfall 002 – treated sanitary wastewater

<i>Pollutants</i>	<i>Monthly Average (mg/L) Unless Stated</i>	<i>Weekly Average (mg/L) Unless Stated</i>	<i>Monitoring Frequency</i>
Flow - MGD	Report	Report	1/6 months
BOD ₅	---	45	1/6 months
TSS	---	45	1/6 months
Fecal Coliform	---	400 col/100 ml	1/6 months
pH Minimum/Maximum values (standard units)	6.0 Minimum	9.0 Maximum	1/6 months

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020403 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated September 29, 2006 from Watson (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Statement of Basis for
Margie's Seafood, Margie's Seafood
LA0105147, AI No. 42394
Page 5

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

Statement of Basis for
 • Margie's Seafood, Margie's Seafood
 LA0105147, AI No. 42394
 Page 6

Rationale for Margie's Seafood

1. **Outfall 001** - oyster processing wastewater (estimated flow is 25 gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg: Daily Max (lbs/day – unless noted)	<u>Reference</u>
Flow (gpd)	Report: Report	LAC 33:IX.2707.1.1.b.
BOD ₅ (mg/L)	---: Report	BPJ; previous permit
TSS	2.2 : 3.2	40 CFR 408.265
Oil & Grease	0.11 : 0.15	40 CFR 408.265
pH – Allowable Range (standard units)	6.0 : 9.0 (min.) : (max.)	40 CFR 408.265

Treatment: None

Monitoring Frequency: 1/month

Limits Justification: Mass limitations in the previous LPDES permit, effective on June 1, 1999, were based on 120 pounds of product per day. According to the renewal application received on March 15, 2007, this facility began operations at this site in 2003 and produces 140 pounds of product per day. Therefore, mass limitations have been increased based on increased production (see calculations below). The facility is subject to New Source Performance Standards (NSPS) from 40 CFR 408 Subpart Z: Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory.

According to the application, approximately 2,000 lbs/day are processed during the peak season yielding 140 lb/day product.

Calculations of Limits for Oyster Processing Wastewater

- New Source Performance Standards (NSPS) from 40 CFR 408 Subpart Z: Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory
- *Product* is defined as the weight of the oyster meat after shucking (40 CFR 408.261.b).

TSS:

- Monthly Average = (16 lbs/1000 lbs) (140 lbs product/day) = 2.2 lbs/day
- Daily Maximum = (23 lbs/1000 lbs) (140 lbs product/day) = 3.2 lbs/day

Oil & Grease:

- Monthly Average = (0.77 lbs/1000 lbs) (140 lbs product/day) = 0.11 lbs/day
- Daily Maximum = (1.1 lbs/1000 lbs) (140 lbs product/day) = 0.15 lbs/day

BOD₅ daily maximum reporting is included based on BPJ and existing permits for similar outfalls.

BPJ Best Professional Judgement

Statement of Basis for
 Margie's Seafood, Margie's Seafood
 LA0105147, AI No. 42394
 Page 7

2. **Outfall 002** – treated sanitary wastewater (estimated flow is 500gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg: Weekly Average (mg/l)	<u>Reference</u>
Flow (gpd)	---: Report	LAG530000; previous permit
BOD5	---: 45	LAG530000; previous permit
TSS	---: 45	LAG530000; previous permit
Fecal Coliform	---: 43 col/100 ml	LAG530000
pH – Allowable Range (standard units)	6.0: 9.0 (min): (max)	LAG530000; previous permit

Treatment: mechanical treatment plant

Monitoring Frequency: 1/6 months

Limits Justification: Effluent limits are based on the previous permit and LPDES Permit No. LAG530000, Class I Sanitary Discharge General Permit. Fecal coliform limits have been changed to 43 colonies/100ml weekly average because this discharge is located in an oyster propagation area.

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

The SWP3 shall be prepared, implemented, and maintained within (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in the storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).